IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.T.R. No.541 of 1995
Date of decision: 06.09.2006

Commissioner of Income Tax

---Appellant

Vs.

Kisan Service Agency

-----Respondent

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL

HON'BLE MR JUSTICE RAJESH BINDAL

Present: Mr. Yogesh Putney, Advocate
for the appellant.

ORDER:

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Chandigarh, arising out of its order dated 12.2.1993 in respect of assessment year 1985-86:-

> "Whether on the facts and in the circumstances of the case, the I.T.A.T. was right in law in confirming the order of the C.I.T.(A) who deleted the addition of Rs.2,57,283/- made on account of unpaid sales tax liability shown in the balance sheet under section 43-B of the I.T. Act, 1961?"

We find that the issue is covered against the revenue and in favour of the assessee by the judgment of Hon'ble Supreme Court in ***Allied Motors (P) Limited v. Commissioner of Income Tax*** 1997 (224) ITR 677.

Following the above judgment of the Hon'ble Supreme Court, we have decided the issue against the revenue and in favour of the assessee vide our order dated 5.9.2005 in ITR No.94 of 1996, ***The Commissioner of Income tax (C), Ludhiana v. M/s Avery Cycle Inds. Pvt. Limited, Ludhiana.***.

Accordingly, the question is answered against the revenue and in favour of the assessee.

(ADARSH KUMAR GOEL)
JUDGE

September 06, 2006
ashwani

(RAJESH BINDAL)
JUDGE